

REMARKS

Claims 85 through 92 are in the case. Claims 5 through 8 and 51 through 84 are canceled by this amendment. Claims 85 through 92 are added by this amendment.

1) **Summary of The Office Action**

(a) Claims 5 through 8 and 51 through 84 were pending in the case. In the Office Action mailed September 18, 2002, the Examiner has rejected claims 5 through 8 and 51 through 84.

(b) The Examiner did not consider on the merits the reference "Outwater Plastics Industries" because Applicant has failed to provide a date of publication for the reference.

2) **Information Disclosure Statement**

Applicant requests reconsideration of the Outwater Plastics Industries document included in the Information Disclosure Statement filed July 12, 2002 that was not considered by the Examiner.

Applicant submits that the information disclosure statement complied with the necessary provisions to the extent that Applicant was able. Applicant does not know the publication date of the Outwater 1999-A Master Catalog. In the transmittal letter that accompanied the information disclosure statement, Applicant admitted that the flexible molding described in the pages attached to the information disclosure statement is prior art to Applicant's conception of the present invention.

3) **Claim Rejections Under 35 U.S.C. § 112**

Claims 5, 51 through 58, 65, 66, 73 and 74 were rejected under 35 U.S.C. 112. With respect to the Examiner's statement that the specification does not appear to have originally presented a molding possessing a front surface profile of "chair rail molding" or "base molding", the newly added claims do not use either limitation. However, Applicant does not admit that the Examiner's statement is correct.

4) **Claim Rejections Under 35 U.S.C. § 102(e)**

Claims 6, 7, 59, 60, 62, 67, 68 and 70 were rejected under 35 U.S.C. §102(e) as being anticipated by Johnson et al., U.S. Patent No. 6,284,360.

Claims 6, 7, 59, 60, 62, 67, 68 and 70 have been cancelled. New independent claim 85 is not anticipated by Johnson et al., '360. Johnson et al. does not disclose at least the following elements claimed in claim 85:

- a single extruded monolithic plastic foam member
- having a front surface profile of crown molding
- the plastic foam member being resiliently compressible and resiliently flexible
- two layers of pressure sensitive adhesive affixed to the rear side of the plastic foam member, the first layer of pressure sensitive adhesive being proximate one longitudinally edge of the plastic foam member, the second layer of pressure sensitive adhesive being proximate the other longitudinally edge of the plastic foam member, the layers of pressure sensitive adhesive being perpendicular to one another
- the plastic foam member being self-supporting from one layer of pressure sensitive adhesive to the other layer of pressure sensitive adhesive, a central portion of the plastic foam member being spaced from the intersection of a wall and ceiling when the plastic foam member is installed, the central portion being the majority of the plastic foam member.

Applicant further respectfully traverses the Examiner's characterization of Johnson et al. as a molding. Johnson et al. describes a tape used to bond an automobile windshield to an automobile windshield frame. Johnson is intended to bond, seal and provide a cushion between the windshield glass and the windshield frame. As such, Johnson et al. is a thick cushioning tape that is sandwiched between two surfaces. Johnson et al. does not disclose an architectural molding as one skilled in the would understand "molding" to mean. From Webster's Ninth New Collegiate Dictionary, 1990, molding is a "a decorative plane or curved strip used for ornamentation or finishing."

5) Claim Rejections Under 35 U.S.C. 103 – Obviousness

(a) The Examiner has rejected claims 6, 7, 59, 60, 62, 67, 68 and 70 as being obvious under 35 U.S.C. § 103(a) in view of Hayashi et al., U.S. Patent No. 6,083,613, in view of Johnson et al., '360.

Claims 6, 7, 59, 60, 67, 68 and 70 have been cancelled. With respect to new claims 85 through 92, Applicant respectfully traverses this rejection. In that light each of the patents is considered below, and then the combination is considered.

(i) U.S. Patent No. 6,083,613, Hayashi et al.

The Hayashi patent shows and describes a sheet for protecting a paint film, especially new automobiles during shipping. Specifically, Hayashi solves the problem of deterioration or discoloration of the paint film due to water or water vapor being present beneath prior art protective sheets and the paint film with the water or water vapor being sealed between the protective sheet and the paint film for long periods of time. Hayashi's sheet is a three layer sheet having a water/water vapor barrier 11, a water/water vapor permeable layer 12 and a pressure sensitive adhesive. The sheet has a thickness of generally 5 to 500 μ m (0.000197 inches to 0.0197 inches) and has a density of about 53 lb./ft.³ (See example 1, column 5).

Applicant respectfully traverses the Examiner's characterization of Hayashi as a molding. Hayashi describes a sheet intended to cover and protect an entire automobile during transport. As such, Hayashi is a very thin filmy sheet that can be draped over the automobile and around its sides, front and rear. Hayashi does not disclose an architectural molding as one skilled in the would understand "molding" to mean. To the extent that the rejection is based on this incorrect characterization of Hayashi's sheet, Applicant submits that no basis has been established for the present rejection under 35 U.S.C. §103.

(ii) U.S. Patent No. 6,284,360, Johnson et al.

The Johnson et al. patent shows a tape 10 used to bond glass 20, specifically, an automobile windshield, to an automobile windshield frame 26. The tape 10 includes a core layer 14 with a sealant layer 12 on one side and a bonding layer 16 on the other side. The sealant layer 12 is a gap filling material, preferably non-tacky, such as a thermosettable blend of (a) epoxy resin, (b) polyacrylate, semi-crystalline polyester or combinations thereof, and (c) a thermally activated or photo-activated curing agent. The core layer 14 can be a polyacrylate, a polyurethane, or a ethylene-vinyl acetate copolymer. Bonding layer 16 is typically a thermosetting material that includes a photo-activated or thermally activated curing agent. An optional, temporary release liner 18 can be provided on bonding layer 16.

As stated above, Applicant respectfully traverses the Examiner's characterization of Johnson et al. as a molding. To the extent that the rejection is based on this incorrect characterization of Johnson et al.'s tape, Applicant submits that no basis has been established for the present rejection under 35 U.S.C. §103.

No Indication or Suggestion or Motivation to Combine

The Commissioner bears the burden of identifying a suggestion or motivation in the references that would lead a person skilled in the art to make the combination proposed in the Office Action. No reference pointing to such suggestion or motivation, whether by way of column and line number, by Figure number, or by other means has been provided.

Further, the Office Action does not provide an explanation of the knowledge of persons skilled in the art of architectural molding that might point to the combination proposed by the Examiner. As such, Applicant submits that the Examiner has not satisfied the requirements for establishing a *prima facie* rejection under 35 U.S.C. §103, as set forth at length above. See *ACS Hospital Systems Inc. v. Montefiore Hospital*, 732 F. 2d 1572, 1577, 221 USPQ 929, 933 (Fed. Cir.), *Ex Parte Clapp*, 227 USPQ 972, 973 (Bd. Pat. App. & Inter. 1985), *Ex Parte Skinner*, 2

USPQ2d 1788 (Bd. Pat. App. & Inter. 1986) and *In re Mills*, 916 F.2d 680, 16 USPQ2d 1430 (Fed. Cir. 1990).

Neither Hayashi nor Johnson et al. are architectural moldings. Neither patent is related to Applicant's problem, the use of decorative moldings to provide decoration. Both Hayashi and Johnson et al. are related to automobiles. Hayashi is a thin filmy sheet and Johnson et al. is a thick cushioning foam tape used to bond a windshield to a windshield frame. As such, one skilled in the art of decorative moldings would not look to either Hayashi nor Johnson et al. as being relevant to an architectural molding as claimed by Applicant.

No Reasonable Prospect of Success

If Hayashi's sheet for covering and clinging to a new automobile during transport were incorporated into the combination as suggested by the Examiner to form an architectural molding as claimed by Applicant, the basic function of Hayashi's sheet would be destroyed. To perform its intended function, the sheet of Hayashi has to drape over the various surfaces of an automobile. If Hayashi were formed as an architectural molding where at least a portion of the plastic foam member is self-supporting as claimed by Applicant, it would no longer be capable of covering, conforming to and clinging to an automobile. A rejection under 35 U.S.C. §103 based upon a modification of a reference that *destroys the intent, purpose, or function* of the invention disclosed in the reference cited by the Examiner is not proper and the *prima facie* case of obviousness cannot be made, because there would be no technological motivation for engaging in such a modification or change. To the contrary, there would be disincentive. See *In re Gordon*, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984).

Combination Lacks Features

Applicant submits that, even assuming that the combination of Hayashi and Johnson et al. were a proper combination, the resulting combination does not include all of the features of Applicant's claimed invention. Specifically, neither Hayashi nor Johnson et al. disclose or suggest the following elements of Applicant's claimed invention:

- a single extruded monolithic closed cell plastic foam member
- having a front surface profile of crown molding
- the plastic foam member being resiliently compressible and resiliently flexible
- two layers of pressure sensitive adhesive affixed to the rear side of the plastic foam member, the first layer of pressure sensitive adhesive being proximate one longitudinally edge of the plastic foam member, the second layer of pressure sensitive adhesive being proximate the other longitudinally edge of the plastic foam member, the layers of pressure sensitive adhesive being perpendicular to one another
- the plastic foam member being self-supporting from one layer of pressure sensitive adhesive to the other layer of pressure sensitive adhesive, a central portion of the plastic foam member being spaced from the intersection of a wall and ceiling when the plastic foam member is installed, the central portion being the majority of the plastic foam member
- the molding is packaged in a continuous length of at least 120 feet with a diameter of no more than 30 inches.
- the plastic foam member has a density of less than 9 lbs./ cu. ft.
- the plastic foam member is substantially flat from the first longitudinally extending outer edge to the second longitudinally extending outer edge when installed at the intersection of the wall and the ceiling.

The test for a *prima facie* showing of obviousness under 35 U.S.C. § 103 requires that all elements of the claim be present in the proposed combination. Applicant submits that this requirement has not been met.

(b) The Examiner has rejected claims 6, 7, and 59 through 74 as being unpatentable over Johnson in view of either of Hayashi et al. or Johnson et al.

Claims 6, 7, and 59 through 74 have been cancelled. With respect to new claims 85 through 92, Applicant respectfully traverses this rejection. In that light, each of the patents is considered below, and then the combination is considered.

(i) U.S. Patent No. 3,200,547, Johnson

Johnson shows a laminar corner molding having five layers:

- outer member 12
- pressure sensitive adhesive 18
- foamed plastic strips 16, 17
- pressure sensitive adhesive 19
- removable sealing sheet 20

Outer member 12 is a normally flat, elongated member of semi-rigid, but deformable plastic material. Specifically, a V-shaped groove 15 is formed by deformably collapsing the foamed plastic outer layer. The groove 15 is formed to provide the necessary flexibility to permit Johnson's molding to be installed into or around a corner. The interior layers 16, 17 are a deformable plastic material (col. 2, line 10). Johnson's corner molding is neither resiliently flexible nor resiliently compressible. Johnson specifically calls for outer member 12 to be *semi-rigid* and to be *deformable*. Because outer member 12 is semi-rigid, Johnson's corner molding is not capable of being rolled into a roll.

Applicant respectfully traverses the Examiner's characterization of Johnson as a "crown" molding. As shown and described in Johnson, the molding is a corner molding intended to wrap around an outer corner or to fit into an inner corner. Johnson does not disclose crown molding as one skilled in the art would understand "crown molding" to mean.

To the extent that the rejection is based on this incorrect characterization of Johnson's corner molding, Applicant submits that no basis has been established for the present rejection under 35 U.S.C. §103.

(ii) U.S. Patent No. 6,083,613, Hayashi et al. and U.S. Patent No. 6,284,360, Johnson et al.

The Hayashi patent shows and describes a thin filmy sheet for protecting a paint film, especially on new automobiles during shipping. Johnson et al. shows a thick cushiony tape for bonding a glass windshield to a windshield frame.

(iii) Proposed Combination of Johnson with either Hayashi et al. or Johnson et al.

No Indication or Suggestion or Motivation to Combine

Neither Hayashi nor Johnson et al. are architectural moldings. Neither patent is related to Applicant's problem, the use of decorative moldings to provide decoration. Both Hayashi and Johnson et al. related to automobiles. Hayashi is a thin filmy sheet and Johnson et al. is a thick cushioning foam tape used to bond a windshield to a windshield frame. As such, one skilled in the art of decorative moldings would not look either Hayashi nor Johnson et al. as being relevant to an architectural molding as claimed by Applicant for combination with Johnson.

No Reasonable Prospect of Success

As stated above, if Hayashi's sheet were incorporated into the combination as suggested by the Examiner to form an architectural molding as claimed by Applicant, the basic function of Hayashi's sheet would be destroyed. If Johnson et al.'s bonding tape were combined with Johnson's corner molding as suggested by the Examiner to form an architectural molding as claimed by Applicant, the basic function of Johnson et al.'s bonding tape would be destroyed. Johnson et al. is a tape used to seal a windshield to a windshield frame. If the tape of Johnson et al. were formed into a crown molding shape, as claimed by Applicant, it would no longer be able to seal two surfaces together due to the non-flat crown surface profile. A rejection under 35 U.S.C. §103 rejection based upon a modification of a reference that *destroys the intent, purpose, or function* of the invention disclosed in the reference cited by the Examiner is not proper and the *prima facie* case of obviousness cannot be made, because there would be no technological motivation for engaging in such a modification or change.

Combination Lacks Features

Applicant submits that, even assuming that the combination of Johnson with either of Hayashi or Johnson et al. were a proper combination, the resulting combination does not include all of

the features of Applicant's claimed invention. Specifically, neither Hayashi nor Johnson et al. disclose or suggest the following elements of Applicant's claimed invention:

- a single extruded monolithic closed cell plastic foam member
- having a front surface profile of crown molding
- the plastic foam member being resiliently compressible and resiliently flexible
- the plastic foam member being self-supporting from one layer of pressure sensitive adhesive to the other layer of pressure sensitive adhesive, a central portion of the plastic foam member being spaced from the intersection of a wall and ceiling when the plastic foam member is installed, the central portion being the majority of the plastic foam member
- the molding is packaged in a continuous length of at least 120 feet with a diameter of no more than 30 inches.
- the plastic foam member has a density of less than 9 lbs./ cu. ft.
- the plastic foam member is substantially flat from the first longitudinally extending outer edge to the second longitudinally extending outer edge when installed at the intersection of the wall and the ceiling.

The test for a *prima facie* showing of obviousness under 35 U.S.C. § 103 requires that all elements of the claim be present in the proposed combination. Applicant submits that this requirement has not been met.

(c) The Examiner has rejected claims 8, 51 through 58, and 75 through 84 as being unpatentable over Johnson in view of either of Hamlin or Morris et al.

Claims 8, 51 through 58, and 75 through 84 have been cancelled. With respect to new claims 85 through 92, Applicant respectfully traverses this rejection. In that light, each of the patents is considered below, and then the combination is considered.

(i) U.S. Patent No. 3,200,547, Johnson

Johnson shows a laminar corner molding having five layers with the outer layer being a semi-rigid deformable plastic material. Johnson's corner molding is neither resiliently flexible nor

resiliently compressible. Johnson specifically calls for outer member 12 to be *semi-rigid* and to be *deformable*. Because outer member 12 is semi-rigid, Johnson's corner molding is not capable of being rolled into a roll.

(ii) U.S. Patent No. 5,996,300, Hamlin and U.S. Patent No. 5,934,995, Morris et al.

Hamlin is a ridge vent comprising a pair of multiple layer vent panels attached to a top panel. Ridge vents are used to cap an open roof ridge to permit ventilation of the area below the roof while preventing ingress of insects or wind driven elements, such as rain, dust, etc. Morris et al. is a rolled shingle roofing material configured to resemble a continuous array of individual shingles.

(iii) Proposed Combination of Johnson with either Hamlin or Morris et al.

No Indication or Suggestion or Motivation to Combine

Neither Hamlin nor Morris et al. are architectural moldings. Both are related to external protective materials for roofs. Neither patent is related to Applicant's problem, the use of decorative moldings to provide decoration. As such, one skilled in the art of decorative moldings would not look to either Hamlin or Morris et al. as being relevant to an architectural molding as claimed by Applicant for combination with Johnson.

Combination Lacks Features

Applicant submits that, even assuming that the combination of Johnson with either of Hamlin or Morris et al. were a proper combination, the resulting combination does not include all of the features of Applicant's claimed invention. Specifically, neither Johnson, Hamlin, nor Morris et al. disclose or suggest the following elements of Applicant's claimed invention:

- a single extruded monolithic closed cell plastic foam member
- having a front surface profile of crown molding
- the plastic foam member being resiliently compressible and resiliently flexible

- the plastic foam member being self-supporting from one layer of pressure sensitive adhesive to the other layer of pressure sensitive adhesive, a central portion of the plastic foam member being spaced from the intersection of a wall and ceiling when the plastic foam member is installed, the central portion being the majority of the plastic foam member
- the molding is packaged in a continuous length of at least 120 feet with a diameter of no more than 30 inches.
- the plastic foam member has a density of less than 9 lbs./ cu. ft.
- the plastic foam member is substantially flat from the first longitudinally extending outer edge to the second longitudinally extending outer edge when installed at the intersection of the wall and the ceiling.

The test for a *prima facie* showing of obviousness under 35 U.S.C. § 103 requires that all elements of the claim be present in the proposed combination. Applicant submits that this requirement has not been met.

(d) The Examiner has rejected claims 62 and 70 as being unpatentable under 35 U.S.C. §103(a) over (1) Johnson et al. or (2) Hayashi et al. in view of Johnson et al. or (3) Johnson in view either Hayashi et al. or Johnson et al., and further in view of Freeman. The Examiner has rejected claim 79 as being unpatentable under 35 U.S.C. §103(a) over Johnson in view of Hamlin or Morris et al. and further in view of Freeman.

Claims 62, 70 and 79 have been cancelled. With respect to new claims 85 through 92, Applicant respectfully traverses this rejection. In that light, each of the patents is considered below, and then the combination is considered.

(i) U.S. Patent No. 6,284,360, Johnson et al.

The Johnson et al. patent shows a thick cushiony tape for bonding a glass windshield to a windshield frame.

As previously discussed, Applicant respectfully traverses the Examiner's characterization of Johnson et al. as a molding. To the extent that the rejection is based on this incorrect characterization of Johnson et al.'s tape, Applicant submits that no basis has been established for the present rejection under 35 U.S.C. §103.

(ii) U.S. Patent No. 6,083,613, Hayashi et al.

Hayashi shows a thin filmy sheet for protecting a paint film, especially on new automobiles during shipping.

As discussed above, Applicant respectfully traverses the Examiner's characterization of Hayashi as a molding. To the extent that the rejection is based on this incorrect characterization of Hayashi's sheet, Applicant submits that no basis has been established for the present rejection under 35 U.S.C. §103.

(iii) U.S. Patent No. 3,200,547, Johnson

Johnson shows a laminar corner molding having five layers with the outer layer being a semi-rigid deformable plastic material. Johnson's corner molding is neither resiliently flexible nor resiliently compressible. Johnson specifically calls for outer member 12 to be *semi-rigid* and to be *deformable*. Because outer member 12 is semi-rigid, Johnson's corner molding is not capable of being rolled into a roll.

As discussed above, Applicant respectfully traverses the Examiner's characterization of Johnson as a "crown" molding. To the extent that the rejection is based on this incorrect characterization of Johnson's corner molding, Applicant submits that no basis has been established for the present rejection under 35 U.S.C. §103.

(iv) U.S. Patent No. 5,996,300, Hamlin and U.S. Patent No. 5,934,995, Morris et al.

Hamlin is a ridge vent comprising a pair of multiple layer vent panels attached to a top panel. Ridge vents are used to cap an open roof ridge to permit ventilation of the area below the roof while preventing ingress of insects or wind driven elements, such as rain, dust, etc. Morris et al. is a rolled shingle roofing material configured to resemble a continuous array of individual shingles.

(v) U.S. Patent No. 3,619,343, Freeman

Freeman relates to a roofing material that addresses the problems of brittleness and mechanical strength, flammability and wind lifting and bending of prior art roofing materials. It is an expanded plastic roof product having a first layer of open cell expanded material, the material being preferably a polyolefin with a density from about 1 to about 25 pounds per cubic foot. The upper and lower limits for density are based on mechanical strength, economics and thermal conductivity.

(vi) Proposed Combination of Johnson et al. and Freeman

No Indication or Suggestion or Motivation to Combine

Neither Johnson et al. nor Freeman are architectural moldings. Neither patent is related to Applicant's problem, the use of decorative moldings to provide decoration. Johnson et al. is related to automobiles. Johnson et al. is a thick cushioning foam tape used to bond a windshield to a windshield frame. Freeman is a roofing material that address the problems of brittleness and mechanical strength, flammability and wind lifting and bending. As such, one skilled in the art of decorative moldings would not look to either Johnson et al. or Freeman as being relevant to an architectural molding as claimed by Applicant.

No Reasonable Prospect of Success

As discussed above, if Johnson et al.'s bonding tape were combined with Freeman's foam material density to form an architectural molding as claimed by Applicant, the basic function of Johnson et al.'s bonding tape would be destroyed. A rejection under 35 U.S.C. §103 based upon a modification of a reference that *destroys the intent, purpose, or function* of the invention disclosed in the reference cited by the Examiner is not proper and the *prima facie* case of obviousness cannot be made, because there would be no technological motivation for engaging in such a modification or change.

(vii) Proposed Combination of Hayashi et al. and Johnson et al. and Freeman

No Indication or Suggestion or Motivation to Combine

Neither Hayashi, Johnson et al., nor Freeman are architectural moldings. None are related to Applicant's problem, the use of decorative moldings to provide decoration. Both Hayashi and Johnson et al. are related to automobiles. Hayashi is a thin filmy sheet and Johnson et al. is a thick cushioning foam tape used to bond a windshield to a windshield frame. Freeman is a roofing material that address the problems of brittleness and mechanical strength, flammability and wind lifting and bending. As such, one skilled in the art of decorative moldings would not look to any of Hayashi, Johnson et al. or Freeman as being relevant to an architectural molding as claimed by Applicant.

No Reasonable Prospect of Success

As stated above, if Hayashi's sheet were combined with Freeman to form an architectural molding as claimed by Applicant, the basic function of Hayashi's sheet would be destroyed. In addition, Hayashi's sheet has a density of about 24 pounds per cubic foot. Reducing Hayashi's density to 9 pounds per cubic foot, as suggested by the Examiner, would also destroy the basic function of Hayashi's sheet by making the sheet too porous. A rejection under 35 U.S.C. §103 based upon a modification of a reference that *destroys the intent, purpose, or function* of the invention disclosed in the reference cited by the Examiner is not proper and the *prima facie*

case of obviousness cannot be made, because there would be no technological motivation for engaging in such a modification or change.

(viii) Proposed Combination of Johnson with either Hayashi et al. or Johnson et al. and Freeman

No Indication or Suggestion or Motivation to Combine

Neither Hayashi, Johnson et al., nor Freeman are architectural moldings. None are related to Applicant's problem, the use of decorative moldings to provide decoration. Both Hayashi and Johnson et al. are related to automobiles. Hayashi is a thin filmy sheet and Johnson et al. is a thick cushioning foam tape used to bond a windshield to a windshield frame. Freeman is a roofing material that addresses the problems of brittleness and mechanical strength, flammability and wind lifting and bending. As such, one skilled in the art of decorative moldings would not consider any of Hayashi, Johnson et al., or Freeman as being relevant to an architectural molding as claimed by Applicant for use in combination with Johnson.

No Reasonable Prospect of Success

As discussed earlier, if either If Hayashi's sheet or Johnson et al.'s bonding tape were combined with Johnson's corner molding to form an architectural molding as claimed by Applicant, the basic function of either Hayashi's sheet or Johnson et al.'s bonding tape would be destroyed. A rejection under 35 U.S.C. §103 based upon a modification of a reference that *destroys the intent, purpose, or function* of the invention disclosed in the reference cited by the Examiner is not proper and the *prima facie* case of obviousness cannot be made, because there would be no technological motivation for engaging in such a modification or change.

(ix) Proposed Combination of Johnson with either Hamlin or Morris et al. and Freeman

No Indication or Suggestion or Motivation to Combine

None of Hamlin, Morris or Freeman are architectural moldings. None are related to Applicant's problem, the use of decorative moldings to provide interior decoration. All three are related to external protective materials for roofs. As such, one skilled in the art of decorative moldings would not look to any of Hamlin, Morris et al. or Freeman as being relevant to an architectural molding as claimed by Applicant for combination with Johnson.

(x) Combination Lacks Features

Applicant submits that, even assuming that the combinations of 1) Johnson et al. and Freeman, or 2) Hayashi and Johnson et al. and Freeman or 3) Johnson and either Hayashi or Johnson et al. and Freeman or 4) Johnson and either Hamlin or Morris and Freeman were proper combinations, the resulting combination does not include all of the features of Applicant's claimed invention. Specifically, none of Johnson et al., Hayashi, Johnson, Hamlin, Morris or Freeman disclose or suggest the following elements of Applicant's claimed invention:

- a single extruded monolithic closed cell plastic foam member
- having a front surface profile of crown molding
- the plastic foam member being resiliently compressible and resiliently flexible
- two layers of pressure sensitive adhesive affixed to the rear side of the plastic foam member, the first layer of pressure sensitive adhesive being proximate one longitudinally edge of the plastic foam member, the second layer of pressure sensitive adhesive being proximate the other longitudinally edge of the plastic foam member, the layers of pressure sensitive adhesive being perpendicular to one another
- the plastic foam member being self-supporting from one layer of pressure sensitive adhesive to the other layer of pressure sensitive adhesive, a central portion of the plastic foam member being spaced from the intersection of a wall and ceiling when the plastic foam member is installed, the central portion being the majority of the plastic foam member
- the molding is packaged in a continuous length of at least 120 feet with a diameter of no more than 30 inches.

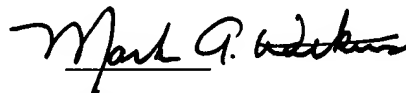
- the plastic foam member is substantially flat from the first longitudinally extending outer edge to the second longitudinally extending outer edge when installed at the intersection of the wall and the ceiling.

The test for a *prima facie* showing of obviousness under 35 U.S.C. § 103 requires that all elements of the claim be present in the proposed combination. Applicant submits that this requirement has not been met.

In view of the above, it is respectfully submitted that claims 85 through 92 are in condition for allowance. Reconsideration of the rejections is requested and allowance of the claims is solicited.

Date

4/17/03



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